UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/353
12 September 1994
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
SPANISH

Forty-ninth session
Item 75 of the provisional agenda*

# PROTECTION AND SECURITY OF SMALL STATES

## Report of the Secretary-General

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 3 | 2 |
| II. | VIEWS EXPRESSED BY STATES AND MEMBERS OF THE SECURITY COUNCIL | 4 - 7 | 2 |
| III. | OBSERVATIONS | 8 - 12 | 3 |
| Annex. | REPLIES RECEIVED FROM GOVERNMENTS | | 5 |
| | Djibouti | | 5 |
| | Ecuador | | 5 |
| | Maldives | | 6 |
| | Namibia | | 11 |
| | New Zealand | | 11 |
| | Papua New Guinea | | 14 |
| | Uruguay | | 14 |


* A/49/150.

94-35864 (E) 051094 061094

/...

## I. INTRODUCTION

1. The item "Protection and security of small States" was included in the agenda of the General Assembly at its forty-fourth session, in 1989, at the request of Maldives and considered at that session and again in 1991.

2. At those sessions, the General Assembly adopted resolutions 44/51 of 8 December 1989 and 46/43 of 9 December 1991, respectively, in which it, inter alia, invited the Secretary-General to explore ways and means, within the United Nations and in accordance with the Charter, of preserving the security of small States; to hold consultations with the members of the Security Council and interested Governments; and to submit a report to the Assembly at its forty-sixth and forty-ninth sessions, respectively. In its resolution 46/43, the Assembly also stressed the importance of strengthening regional security arrangements by increasing interaction, cooperation and consultation.

3. Pursuant to those resolutions, the Secretary-General solicited the views of the members of the Security Council on the subject and requested the observations and suggestions of all Member States. Those views are reflected in the report of the Secretary-General to the General Assembly at its forty-sixth session (A/46/339) and in the present report.

## II. VIEWS EXPRESSED BY STATES AND MEMBERS OF THE SECURITY COUNCIL

4. During the debate on the item at the forty-sixth session, all speakers indicated that they attached importance to the issue of the security of small States because of their inherent vulnerability to external threats and interference. All speakers further agreed that the security of small States would best be safeguarded through increasing the efficiency of the existing United Nations bodies responsible for maintaining international peace and security. Some speakers considered that enhancing the preventive capabilities of the Security Council and the United Nations as a whole would make it possible to avert conflicts at their initial stages and that the office of the Secretary-General could play an expanded preventive role within the framework of Article 99 of the Charter. The representatives of the European Community and the United States of America stressed that they would not agree to making any distinction among States with regard to their security, maintaining that this was unnecessary since the United Nations was based on the principle of the sovereign equality of States and provided for the security of all.

5. In his report to the General Assembly at its forty-sixth session (A/46/339), the Secretary-General said that on the basis of replies received from Member States and as a result of consultations with members of the Security Council it appeared that, although there were differing opinions on the question of how best to safeguard the security of small States, it was generally agreed that, because of their intrinsic characteristics, small States had a limited capacity to provide for their own security and might need a special measure of attention and support.

6. It was also agreed that as the international order could be undermined by the instability or lack of security of small States, safeguarding their security was in the general interest. This could be furthered by creating an environment of support and protection for small States, an area in which the United Nations might take the lead by providing a security structure that built on arrangements that already existed under the international collective security system envisaged in the Charter.

7. There was general agreement that the unconditional respect by all States of the principle of sovereignty and territorial integrity as well as the other principles of the Charter and rules of international law was at the core of international security guarantees for all States and that security arrangements for small States should involve establishing supporting arrangements at the regional and subregional level.

## III. OBSERVATIONS

8. On the basis of replies received from Governments and consultations, the Secretary-General considers that the creation of a climate of support that could serve as a basis for protecting the security of small States is widely viewed as being of paramount importance. In that context, the Secretary-General would like to draw attention to the guidelines for appropriate types of confidence-building measures 1/ endorsed by the General Assembly at its forty-third session (resolution 43/78 H of 7 December 1988), the ultimate goal of which is to strengthen international peace and security and to contribute to the prevention of all wars.

9. As noted at the beginning of the guidelines (1.2.4), the potential of confidence-building measures to contribute significantly to the enhancement of peace and security was already being explored in some regions and subregions where the States concerned were joining forces to contribute, by the elaboration and implementation of confidence-building measures, to more stable relations and greater security, as well as the elimination of outside intervention and enhanced cooperation in their areas.

10. The guidelines foresaw (2.5.4.7) a significant role for the United Nations in building confidence. It was noted in particular that the General Assembly and the Security Council could further the process by adopting decisions and recommendations containing suggestions and requests to States, while the Secretary-General, in accordance with the Charter, could, among other things, provide his good offices, particularly in times of crisis, in promoting the establishment of confidence-building procedures.

11. In pursuance of the mission of building confidence, the United Nations encourages the pursuit of regional solutions to regional problems, including the organization of regional conferences, meetings and seminars to foster the sharing of ideas and information between governmental and non-governmental sectors, as well as between governmental and other experts. There have been 10 seminars on regional and subregional confidence- and security-building measures and two seminars on confidence- and security-building measures in the maritime environment in the course of which the issue of enhanced security for

States was discussed in both the military and non-military context. In the military context, among the measures discussed were some intended, inter alia, to reduce the dangers of armed conflict as a result of miscalculation and/or misunderstanding of military activities or dispositions. In the non-military context, measures discussed related to trans-border cooperation in areas such as joint management of water, fisheries or other natural resources of vital importance to the economic security of the States concerned and other forms of regional or subregional cooperation to enhance the economic viability and development of States in the region.

12. In 1993, regional seminars related to confidence-building were convened in Italy, Japan, Austria and Ukraine.

## Notes

1/ Official Records of the General Assembly, Fifteenth Special Session, Supplement No. 3 (A/S-15/3) para. 41 (para. 6 of the quoted text).

ANNEX

Replies received from Governments

DJIBOUTI

[Original: French]

[19 June 1992]

1. "Protection and security of small States" is the subject of General Assembly resolution 46/43. The Government of Djibouti is pleased that the resolution, of which it was a sponsor, was adopted without a vote.

2. In the resolution, the General Assembly recognizes that small States may be particularly vulnerable to external threats and acts of interference in their internal affairs and deems it necessary that their protection and security be guaranteed in all circumstances.

3. The Republic of Djibouti draws the attention of the United Nations and the international community to the need to assist small States, which are at the mercy of groups of mercenaries and terrorists with access to sophisticated weapons and a powerful network of relations thanks to considerable financial resources furnished by other countries.

4. The most appropriate means of guaranteeing the integrity and sovereignty of small States continues to be the collective security system of the United Nations provided for in Chapter VII of the Charter of the United Nations, which grants the Security Council the authority to respond to acts of aggression.

ECUADOR

[Original: Spanish]

[10 July 1992]

1. Having got beyond the bipolar structure in international relations, it is necessary to consider the vital role that the United Nations must play in the context of the so-called "new international order", in the tasks relating to the maintenance of international peace and security. The exercise of that potential authority by the United Nations must be consistent with the peaceful solution of disputes and the system of collective security.

2. While recognizing that the general frame of reference of the "new international order" is in the process of being created, Ecuador ventures to suggest that the rules that will be determined must not impair the sovereignty of States. Any measure that the United Nations takes, as a result, must, as a

general rule, be in response to a specific request from the State concerned, for unless the latter's consent is taken into account, the State's security could be jeopardized, which would add a new factor of vulnerability, particularly in the case of small States.

3. For the above reasons, strict, unqualified and unconditional observance of all the principles of international law by all States will be a guarantee of security for small States.

4. The strengthening of regional and subregional security systems, known as existing arrangements in the framework of universal security, is, without a doubt, a further guarantee. Moreover, regional and subregional security systems must serve to limit the exercise of the authority emanating from the "new international order".

5. Finally, the international community must emphasize the tasks directed at peace-keeping and strengthening of the capacity for action of each and every competent organ of the United Nations, in order to forestall, anticipate and prevent the emergence or worsening of situations that might endanger international peace and security, in matters relating to what is called "preventive diplomacy".

## MALDIVES

[Original: English]

[14 December 1992]

1. The Government of the Republic of Maldives is pleased to note the due attention and importance afforded to the item entitled "Protection and security of small States" by the international community. This was clearly demonstrated when the General Assembly adopted, without a vote, resolutions 44/51 and 46/43. A total of 55 States joined Maldives in sponsoring resolution 44/51 at the forty-fourth session, in 1989. The increased awareness of the international community to the issue was confirmed during the forty-sixth session, when 64 Member States joined Maldives in presenting a resolution under the item.

2. The Republic of Maldives, deeply committed to the purposes and principles enshrined in the Charter of the United Nations and with a strong tradition of respect for the sovereign rights of other nations and of principled responsibility in international affairs, is firmly committed to finding ways and means of preserving, protecting and enhancing the security of small States in accordance with the Charter.

3. The Republic of Maldives, like many other small States, was subjected to an armed aggression by a group of mercenaries in 1988 and is fully aware of the inherent vulnerability of small States to external threats and acts of interference in their internal affairs and the special needs they have consonant with the right to sovereignty and territorial integrity. The attempted invasion was aimed at overthrowing the legitimate Government and the installation of a puppet-regime in order to purchase arms, establish training camps and launch

terrorist attacks on other countries in the region. Thus, had the attempt succeeded, it would have challenged not only the security of the country but that of the region and international peace and security as a whole.

4. Events in the international arena, since the issue was first included in the agenda of the General Assembly, have further highlighted its relevance in efforts to maintain international peace and security.

5. The Government of Maldives continues to believe that protection and security of small States should be viewed as a multifaceted concept encompassing such factors as military, economic, social and environmental security.

6. In terms of military security, it is worth noting that threats facing small States emanate not only from other States and government forces. Small States are equally susceptible to acts of aggression from mercenaries in the pay of externally based groups or for that matter by terrorists, including drug traffickers.

7. While the Charter of the United Nations recognizes the inherent right of all States to self-defence, only a privileged few possess the unilateral ability to provide for their own security. Lacking adequate financial resources for the acquisition of military hardware and equipment, and facing severe constraints in manpower, small States are never in a position to cater suitably for their security needs. Any attempt by small States to build up their military capabilities to a level of even near self-reliance would be no more than an exercise in futility, severely eroding their means to address vital issues of socio-economic development.

8. The Government of Maldives believes that the best guarantee for the security of small States lies in the Charter of the United Nations, which recognizes the concept of collective security. Specifically, Chapter VII of the Charter outlines those arrangements and entrusts the Security Council with the responsibility of making recommendations and decisions on what measures shall be taken, in accordance with Articles 41 and 42, to maintain or restore international peace and security.

9. However, it is regrettable that for much of the existence of the United Nations this machinery has remained ineffective, mainly because of the cold war. The swift and determined action of the Security Council in the Persian Gulf crisis was an encouraging development worth commending. The performance of the Security Council during that very critical time should give hope to a number of small States. However, not yet forthcoming is one of the most important principles on which the small States could base their trust in the collective security system of the Security Council. That principle is the consistent implementation of all Security Council resolutions without exception.

10. The Charter also recognizes the right of collective security under regional arrangements. Regional arrangements have proved to be quite successful in many parts of the world. However, in the case of small States the question of balance of power in that particular region and the possibility of ultimate dependency of the smaller partners of the arrangement on a single powerful State

may be raised. In the case of bilateral security arrangements, the gravity of this question is much more acute.

11. The only way to overcome these serious doubts would be to have such arrangements based totally on unqualified support by all members of regional security arrangements to the noble objectives and principles enshrined in the Charter of the United Nations. Even in regions where such arrangements are yet not possible, increased interaction, cooperation and consultation to promote confidence-building measures among the States may help in soothing the fears of the smaller members of that particular region.

12. Attacks on small States do not always come from other States. Quite often their security is threatened by international criminal or illegal organizations and groups such as mercenaries, terrorists, drug traffickers or other adventurists. What may be considered minor irritants to the larger States loom large for the small States.

13. It would be only through increased cooperation, coordination, consultation and exchange of information by the international community about the activities of those groups that such attacks could be prevented. The international community needs to send a unified and unambiguous message to those groups that their activities will not be tolerated by any Member State and that they would not be able to take refuge in any country and will be severely punished.

14. The adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (resolution 44/34, annex) by the General Assembly was a welcome development. However, it is regrettable that so far only 16 States have signed and of those only 5 small States, including the Republic of Maldives, have ratified the Convention to date. It is quite evident that without the participation of the larger and more powerful States in this effort the desired goals of the Convention will never be achieved. The failure of the international community speedily to implement the Convention encourages mercenary groups to continue their heinous activities without fear of being challenged.

15. There have been regional agreements on terrorism. However, at the international level a convention has not yet been possible. It is of the utmost importance and urgency to deal with the issue in a comprehensive manner in order to combat the scourge of terrorism, the vicious ventures of which have often victimized many small States and plagued the world in the post-war period.

16. It is indeed heartening to note that the record on international cooperation against drug trafficking is more encouraging. The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, a/ the Global Programme of Action adopted by the special session of the General Assembly on drugs in 1990 (resolution S-17/2, annex) and the declaration of the United Nations Decade Against Drug Abuse, 1991-2000, are examples of a global consensus in the fight against drug trafficking.

---

a/ E/CONF.82/15 and Corr.2.

17. The rapid proliferation and easy availability of arms have been a major factor contributing to the activities of international criminal or illegal groups such as mercenaries, terrorists or drug traffickers. The international community should view with grave concern the ultimate destination of the numerous arms supplied to warring factions in conflict areas as those conflicts move towards resolution. Even a cursory glance at the present international situation makes evident the rationale for this observation.

18. When peace agreements are negotiated in areas of conflict, the surrender of all arms to the United Nations and the destruction of weapons of mass destruction in such areas under United Nations supervision should be mandatory. This would prevent the weapons from being transferred to other areas of conflict or to groups such as mercenaries, terrorists and/or narco-terrorists.

19. The establishment of the International Arms Register at the United Nations is also a positive development. It can be fairly viewed as a first step in the efforts to establish a regime of transparency in armaments. However, the scope of the Register should be expanded by the addition of further categories of equipment and the inclusion of data on military holdings and procurement through national production.

20. The damage to the economic infrastructure and the social fabric of small States does not merely depend on the success or the failure of an attack on the sovereignty and territorial integrity of that State. Small States are usually endowed with few resources and their economies are based on two or three primary products. Thus, even a minor disruption such as an attempted mercenary or terrorist attack could have dire consequences for their economies.

21. Evidently, prevention of such activities remains one of the more desirable ways in which to address the issue. This could only be achieved through the assistance and cooperation of the larger and more resource-abundant States of the international community. In that connection, small States deserve assistance in strengthening their institutions and building manpower required to prevent occurrences of such activities.

22. While small States need to possess a degree of military capability, when confronted with any outside threat their first line of defence will always have to be diplomacy. However, lack of available funds prevents many small States from participating effectively in the international forums. Special attention needs to be given to increase the visibility of small States in the international forums. The international community may also consider providing small States with the appropriate assistance in building their manpower in order to enable those countries to participate more fully in the international arena.

23. The Government of Maldives firmly believes that the international community needs to be made more aware of the peculiar problems faced by small States in their efforts to develop as peace-loving, responsible members of the international community. It is only through this awareness that the larger and more resource-rich States could realize the plight of the smaller and weaker members of the family. Small States, once again owing to the lack of resources, have not been able to conduct appropriate public diplomacy campaigns internationally to this end. The United Nations may consider assisting small

States in this regard, through seminars, workshops and publications highlighting the special needs of small States.

24. The report of the Secretary-General of June 1992 entitled "An Agenda for Peace" (A/47/277-S/24111) contains important and insightful observations for the maintenance and promotion of international peace and security in the emerging new international order. Quite rightly, the Secretary-General has emphasized the importance of addressing the issue of security in an integrated and comprehensive manner. The Government of Maldives believes that the recommendations contained in the report with regard to preventive diplomacy, peace-keeping, peacemaking and post-conflict peace-building measures would also enhance the security of small States.

25. For small States, threats to whom arise often from non-State sources, preventive diplomacy offers a more realistic and effective approach for their protection and security. This would be an approach less costly in terms of lives and finance. The Secretary-General should fully utilize the powers entrusted to him under Article 99 of the Charter to draw the attention of the Security Council to any matter that in his opinion may threaten international peace and security. In this connection, the United Nations should improve its information-gathering capabilities and increase its use of fact-finding missions.

26. Experience has demonstrated time and again the swiftness and brutality with which an aggressor takes control of a small State. Failure to respond effectively and immediately by the international community allows the aggressor to consolidate his illegal occupation and project it as a fait accompli. Hence, it is the immediate and determined action of the international community that is required in such events.

27. The Secretary-General in his report has drawn the attention of Member States to the provisions in the Charter on the enforcement measures the Security Council may take in the protection of international peace and security. His call for the ready availability of armed forces on call deserves serious consideration. While forces available may perhaps never be large or well enough equipped to deal with a threat from a major army provided with sophisticated weapons, as observed by the Secretary-General, they would be useful in meeting any threat posed by a military force of a lesser order. Thus it could be quickly and effectively utilized to reverse a situation in which a small State may have been subjected to aggression. Furthermore, the existence of such an arrangement within the umbrella of the United Nations will act as a deterrent to potential aggressors.

28. The Government of Maldives would also like to take this opportunity to convey to the Secretary-General its deep gratitude and sincere appreciation for his tireless and dedicated efforts for the maintenance and promotion of international peace and security.

## NAMIBIA

[Original: English]

[17 July 1992]

1. The Government of the Republic of Namibia considers the protection and security of small States as imperative in the present circumstances and reiterates its unconditional support for the Secretary-General of the United Nations to explore ways and means within the United Nations system and in accordance with the Charter of the United Nations of preserving the security of small States.

2. The Government of the Republic of Namibia reiterates its support for the principle of State sovereignty and integrity and holds firmly that each people has an inalienable right to security, free of interference or intervention in its internal affairs.

3. The Government of the Republic of Namibia urges the Secretary-General of the United Nations to continue the consultation with members of the Security Council and other interested Governments, taking into account the changing international climate and emergence of States.

## NEW ZEALAND

[Original: English]

[29 August 1994]

1. Resolution 46/43 of 9 December 1991, of which New Zealand was a sponsor, endorsed the Secretary-General's report on the protection and security of small States (A/46/339), which included the recommendations of the workshop held in the Maldives in May 1991. New Zealand found common ground with many of those recommendations, particularly the conclusions on the need to enhance the effectiveness of the Security Council, on regional security and on the importance of helping to build national resilience.

2. At San Francisco in 1945 New Zealand gave a firm commitment to the principle of collective security, which is fundamental to the security of small States. With the era of confrontation between two super-Power blocs now in the past, that principle has taken on a new relevance. The Security Council Summit of January 1992 reaffirmed its commitment to collective security; and the Secretary-General's "An Agenda for Peace" (A/47/277-S/24111) outlined collective approaches towards securing peace in the spirit of the Charter of the United Nations.

3. As the United Nations in its fiftieth year considers the implications of the changing international climate and the emergence of new States, it seems to New Zealand highly appropriate that measures needed to enhance the protection and security of small States are accorded due priority.

4. The fact that small States put their faith in the United Nations as the ultimate guarantor of their security gives them a keen interest in participating actively in the work of the Organization. By extension they place considerable store by the principle of equitable representation in the various organs of the United Nations in order that their concerns and special perspectives may be kept before their fellow members.

5. This is a matter worth reflecting upon at a time when the challenges of the evolving world order are impinging closely on the shape of the Organization and how it manages its business. The equality of members regardless of their respective sizes, wealth or military power is a basic premise of the United Nations Organization and is stated clearly in Article 2 of the Charter. The corollary is that the organs of the United Nations must be seen to be committed to the concerns of Member States, regardless of size.

6. In this connection the Security Council has primary responsibility for providing the reassurances small States seek from the United Nations under Chapters VI and VII of the Charter. The United Nations ability to respond promptly and effectively to calls to restore democracy or prevent humanitarian crises is becoming a litmus test of the Organization's credibility.

7. All Member States must be able to count on the United Nations responding to the problems of small and distant countries as well as those of strategic significance.

8. We live in an ever more interdependent world. The Security Council's decisions are binding on every Member State and have financial implications for all. It is thus essential that the basis for those decisions be understood by the wider United Nations membership.

9. Small States have a particular need for transparency and accountability in the Council's decision-making. Such countries, who make up the majority of the United Nations membership, therefore have a keen interest and role to play in the current deliberations on reform of the Council's procedures and membership.

10. "An Agenda for Peace", endorsed by the international community, acknowledged the multifaceted nature of security. While the threat of military attack or internal armed conflict is a reality for some small States, other forms of threat are of greater concern to most. For example, the activities of drug traffickers and other transnational criminals can seriously harm fragile economies and societies.

11. Similarly, the environmentally unsafe practices of other countries can be extremely detrimental, whether it be drift-net fishing, the use of ozone-depleting chemicals or emissions of greenhouse gases causing possible rises in ocean levels. The United Nations is playing a vital role in helping protect small States from such practices, in particular through its sponsorship of the Global Conference on the Sustainable Development of Small Island Developing States. It is important that the United Nations system follow up positively the decisions of that Conference, especially those enunciated in the Programme of Action.

12. Also at the international level, meetings such as the Global Conference, the Fourth World Conference on Women, the World Summit for Social Development, and the International Conference on Population and Development are part of the process of addressing sustainable security, for small nations, as well as the most populous.

13. While the United Nations provides international assurances of small State security, New Zealand believes strongly that their security can also be greatly enhanced by effective regional cooperation.

14. In New Zealand's own region, the South Pacific Forum and associated organizations have played a valuable role in this respect for over 20 years. There is close coordination and mutual assistance across a wide range of issues affecting the security, in the broad sense, of individual members. Exchanges of views among them on issues such as law enforcement, economic and political cooperation and resource management, all of which relate to security in its comprehensive sense, are well established.

15. There is ongoing cooperation on anti-terrorist and other law-enforcement matters. The decision, at this year's Forum, to apply for observer status in the United Nations General Assembly will enable more effective cooperation between such regional initiatives and international ones.

16. The security of small States is not only subject to external threats. Indeed the starting point for the security for any State is its own well-being, from which springs national resilience. Perhaps the greatest underlying vulnerability facing most small States is their own lack of economic development. Their often very narrow resource bases will sometimes preclude the economic diversification and degree of long-term self-sufficiency to which larger developing countries can aspire. This handicap impairs the achievement of the socio-economic well-being and political stability that constitutes national resilience.

17. There are various ways the international community can help small States overcome this handicap. One way is to pay attention to the special needs of smaller States in establishing criteria for the provision of development assistance.

18. Another, more far-sighted approach is to make sure that the international trading system serves the needs of small, primarily developing countries. The GATT Uruguay Round did this by directly addressing issues such as agricultural trade reform, restrictions in developed countries on textiles and clothing exports, and tariff escalation against value-added exports.

19. Continued progress to open up new and improved markets for developing countries' exports will help build economic and political stability. In this regard there is an ongoing role for the United Nations and its agencies in assisting small and developing States to identify specific opportunities arising from the Round.

## PAPUA NEW GUINEA

[Original: English]

[19 June 1992]

The note of the Secretary-General dated 26 May 1992 (SCPC/6/92/1) transmitting the text of General Assembly resolution 46/43 of 9 December 1991, which was adopted under the agenda item entitled "Protection and security of small States", has been duly noted and transmitted to the relevant authorities in Papua New Guinea for their appropriate consideration.

## URUGUAY

[Original: Spanish]

[20 November 1992]

1. In the view of Uruguay, the text of resolution 46/43, like earlier drafts, suffers from the drawback of the lack of a definition of "small States", thereby making it difficult to determine whether or not some States belong in that category.

2. Nevertheless, an appreciable improvement can be noted over the earlier drafts, in that the fifth preambular paragraph refers to terrorists and drug traffickers as well as to mercenaries. Uruguay approves of this expansion, bearing in mind that it harmonizes with solutions adopted in other fields.

3. The wording of paragraph 3 has also been improved inasmuch as it states the importance for all States of the unconditional respect of all the principles of the Charter of the United Nations, expressly mentioning sovereign equality, territorial integrity, non-interference in the internal affairs of other countries and the peaceful settlement of disputes. Uruguay considers that in general terms the resolution fulfils its intended purpose, but it shares the position of those States which would like a precise definition of "small States".

---

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/354
1 September 1994

ORIGINAL: ENGLISH

Forty-ninth session
Item 100 of the provisional agenda*

ADVANCEMENT OF WOMEN

# Violence against women migrant workers

## Report of the Secretary-General

CONTENTS


| | | Paragraphs | Page |
|---|---|---|---|
| I. | INTRODUCTION | 1 - 5 | 3 |
| II. | INTERNATIONAL MIGRATION BY WOMEN | 6 - 31 | 4 |
| | A. Recruitment of women migrant workers | 13 - 18 | 5 |
| | B. Types of work performed by migrant women | 19 - 28 | 6 |
| | C. Trafficking | 29 - 31 | 8 |
| III. | INTERNATIONAL NORMS GOVERNING MIGRANT WORKERS | 32 - 60 | 8 |
| | A. Early conventions related to trafficking | 33 - 42 | 8 |
| | 1. Agreement for the Suppression of the White Slave Traffic | 34 - 36 | 9 |
| | 2. International Convention for the Suppression of the White Slave Traffic | 37 | 9 |


* A/49/150.

CONTENTS (continued)


| | | Paragraphs | Page |
|---|---|---|---|
| | 3. Convention to Combat the Traffic in Women and Children | 38 - 40 | 10 |
| | 4. The Slavery Convention | 41 - 42 | 10 |
| B. | ILO Convention | 43 - 50 | 10 |
| | 1. Migration for Employment Convention (Revised) | 44 - 46 | 10 |
| | 2. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) | 47 - 50 | 11 |
| C. | United Nations conventions | 51 - 60 | 12 |
| | 1. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others | 52 - 54 | 12 |
| | 2. Convention on the Elimination of All Forms of Discrimination against Women | 55 - 56 | 12 |
| | 3. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | 57 - 59 | 12 |
| | 4. United Nations human rights conventions | 60 | 13 |
| IV. | REPORTED INCIDENCE OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS | 61 - 63 | 13 |
| V. | STEPS BEING TAKEN TO REDUCE VIOLENCE AGAINST WOMEN MIGRANT WORKERS | 64 - 75 | 14 |
| A. | Measures being taken in sending countries | 66 - 71 | 14 |
| | 1. Legal measures | 67 - 68 | 14 |
| | 2. Social measures | 69 - 71 | 14 |
| B. | Measures being taken in receiving countries | 72 - 75 | 15 |
| | 1. Legal measures | 73 | 15 |
| | 2. Social measures | 74 - 75 | 15 |
| VI. | CONCLUSIONS | 76 - 83 | 16 |

# I. INTRODUCTION

1. In its resolution 48/110 of 20 December 1993 on violence against women migrant workers, the General Assembly reiterated its concern about the plight of women migrant workers who become victims of physical, mental and sexual harassment and abuse, and requested the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the resolution, taking note of the relevant views of the Commission on the Status of Women in its discussion on the subject of violence against women at its thirty-eighth session.

2. The resolution followed on General Assembly resolution 47/96 on the same subject, which had requested the Secretary-General to seek the views of Member States and organizations of the United Nations system on the problem and to report orally on findings, through the Commission on the Status of Women and the Economic and Social Council. For this purpose, the views of Member States and organizations of the United Nations system were requested, a request that was reiterated in 1994.

3. Thirteen Member States and seven organizations of the United Nations system provided information. 1/ Oral reports were presented by the Secretariat to the Commission on the Status of Women, the Economic and Social Council and the General Assembly in 1993. The discussion of the priority theme "Peace: measures to eradicate violence against women in the family and society" included reference to the issue of violence against women migrant workers. The information provided by these sources, as well as reports by several non-governmental organizations, has been used to compile this report.

4. At its thirty-eighth session, the Commission on the Status of Women adopted resolution 38/7 on violence against women migrant workers which, inter alia, requested the Secretary-General to see to the development of concrete indicators to determine the situation of women migrant workers in sending and receiving countries as a basis for future action and further requested the Secretary-General to submit a copy of the present report to the Commission at its thirty-ninth session, including in it reports to be submitted by the Special Rapporteur on violence against women, the Centre for Human Rights, relevant United Nations functional bodies and specialized agencies, intergovernmental organizations and non-governmental organizations. It should be noted that the present report reflects information received by the Secretariat as at 30 August 1994, but that the recently appointed Special Rapporteur has not yet submitted reports, although she was consulted on this report.

5. It should be noted that migration can be either internal or international. The present report, derived from its mandate, is restricted to international migration. It should also be noted that what is considered internationally to be meant by violence against women is enumerated in the Declaration on the Elimination of Violence against Women adopted by the General Assembly in its resolution 48/104. This includes physical, sexual and psychological abuse occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

## II. INTERNATIONAL MIGRATION BY WOMEN

6. International migration has been a fact throughout human history. Statistics reported by the United Nations for 1985 based on 1970 and 1980 census rounds, plus the number of refugees reported by the Office of the United Nations High Commissioner for Refugees (UNHCR) for that year, estimate a world level of migrants at over 105 million persons. 2/ Similarly, data from the 1980 census round for 125 countries showed that 48 million persons had been migrants, half of them women. 3/ Somewhat over half of the migrants (and 60 per cent of the women migrants) were living in developed countries. Some countries, in all regions, have sufficiently large foreign-born populations to be considered receiving countries. These include countries such as Cameroon, Côte d'Ivoire, Ghana, South Africa, the United Republic of Tanzania and Zimbabwe in Africa; Argentina, Brazil, Canada, the United States and Venezuela in the Americas; Bangladesh, Hong Kong, India, Iran, Israel, Japan, Kuwait, Malaysia, the Republic of Korea, Saudi Arabia, Singapore and Turkey in Asia; Belgium, France, Germany, Italy, Netherlands, Poland, Sweden, Switzerland and the United Kingdom in Europe; and Australia and New Zealand in Oceania.

7. Most of the migrants are permanent, having left their home countries for other countries with no intention of returning. A large proportion of female migrants, especially to Europe and North America, migrated to join spouses or parents who had previously migrated. Many of these migrants join the labour force of the receiving country, but on the same basis as citizens.

8. A growing phenomenon has been temporary migration, people who have migrated for work with an intention to return. This had been a factor in Europe for some time, and more men than women were involved. It has been estimated that by 1990, Western European countries had about 16 million foreigners, most of whom were admitted as workers or their immediate families. 4/ In Asia, significant numbers of women from Indonesia, Malaysia, the Philippines, Sri Lanka or Thailand have been found to be temporary migrant workers. 5/ Many of these workers went to Europe, while others went to areas of Western Asia or East Asia. For example, in Kuwait, 103,501 women were employed as domestic workers in 1989, constituting 5.1 per cent of the population of the country. Almost all were non-Kuwaiti Asian. 6/ In Saudi Arabia, there were 219,000 non-Saudi Asian female workers in 1986. 7/ There were, additionally, many migrants who were refugees, of which the number and the proportion of women among them has been rising. In many cases, their migration would also be permanent and they would be dealt with in receiving countries on the same basis as citizens. In other countries, they are considered to be temporary migrants.

9. Most of the statistical information on migrant women comes from the receiving countries, rather than from sending countries. However, for example, a 1991 Survey of Overseas Workers conducted by the National Statistics Office of the Philippines estimated the number of Filipino contract workers at 721,100, of whom 40.6 per cent were women. Women overseas workers were concentrated in Asia (72 per cent), with the rest in Europe (11 per cent), North America (8 per cent) and elsewhere (9 per cent). In Europe, Filipino women workers exceeded men. 8/

10. There are limited statistics on migrant workers from other countries, and even where figures are available, they are often not disaggregated by sex. Much

of migration is undocumented and therefore difficult to quantify. In Africa, for example, movement to neighbouring countries for economic purposes, both temporary and long-term, is often not reported since the migrants merge easily into the population of the host countries which have similar ethnic compositions. A similar situation exists in some countries in Latin America. As a study of the Population Division of the United Nations notes, "... the pervasive view is that most undocumented migrants are men". 9/ There are indications, however, that the numbers of women migrant workers are relatively large. Existing reports, estimates, and anecdotal information provide a broad picture of the situations of women migrant workers, and the conditions that make them particularly vulnerable to violence.

11. A major motivation for migration is usually a belief that this will lead to an improved economic status. This is true for men and women alike. In the past, women would become migrant workers by accompanying their husbands or fathers and then enter the labour force of the receiving country. More recently, based on relative opportunities in the international labour market, women are beginning to migrate on their own, often, as men had done in the past, leaving their families behind. In some countries, women are actively recruited for temporary jobs overseas. Migration is inevitably from less developed to more developed countries.

12. For temporary migrants, a major economic aspect is remittances to families who remain in the home country. These remittances are used in the household to maintain consumption and to provide a basis for later investment. For Governments of sending countries, the remittances can constitute a significant source of foreign exchange. The survey in the Philippines showed that the average contract worker remitted 76,741 pesos monthly to his or her family. 10/ It has been estimated globally that in 1989, migrant remittances amounted to US$ 65 billion, compared with the US$ 47 billion provided as official development assistance by member States of the Organisation for Economic Cooperation and Development (OECD) to developing countries in that year. 11/ While temporary male migration is often related to agricultural labour, construction or industries, temporary female migration has tended to concentrate in the services sector, especially domestic service. In some countries there have been national policies that actively encourage female emigration. In one case, this income remitted to the home country by women workers was said to be the second largest source of foreign exchange. 12/

## A. Recruitment of women migrant workers

13. Although a small percentage of migrant workers are hired through official governmental recruitment agencies in the receiving country or, in some cases, through agencies in the sending countries, the vast majority, especially women migrant domestic workers, are hired through personal contacts with friends or family members already working in destination countries. "Employment exchanges", consisting of notice boards where offers of domestic work are posted, often exist in agencies such as welfare centres that do not directly arrange contacts. In addition, there are many illegal recruitment agencies, which are responsible for the migration of large numbers of women. In western

Asia, women migrants are nearly all hired through private, unmonitored placement agencies.

14. One study, based on interviews with a large sample of returned migrants and their families, found that the processing fees demanded by recruitment agencies vary from country to country, though in most cases, they are very high relative to what the prospective migrant will earn. 13/ It was noted that because of the size of these fees, many women have to borrow money from private money lenders, who charge exorbitant fees, or from relatives and friends. There are, however, few studies in other countries about the means by which women migrant workers are recruited.

15. Little information is available also on the various types of contracts negotiated through formal recruitment agencies (although some countries do have standard contracts), the type of agreements reached between migrant women and their employers, or the extent to which the employer abides by the contract clauses. There is some indication that formal contracts are not always honoured by employers since there is little or no governmental or legal enforcement.

16. Women wishing to migrate legally must negotiate a difficult labyrinth of immigration laws and regulations, which vary from country to country. Quotas, waiting lists, arbitrary and changing rules, and legal, financial, and language barriers prevent all but the most persistent and knowledgeable from becoming legal residents. Immigration regulations for employers often discourage them from hiring foreign workers legally and make the small risk of employing cheap illegal labour worthwhile.

17. Cases have been reported of women being recruited for jobs that they believed legitimate and discovering, upon arrival, that they were being trafficked for the purpose of prostitution.

18. Further, when legal visas expire, especially short-term entertainment visas, women often prefer or are forced to stay on illegally rather than return to their home countries.

## B. Types of work performed by migrant women

19. Historically, migrant women have found employment primarily in a limited number of "female" occupations, such as domestic service, sewing, waitressing, teaching, nursing, secretarial and clerical work and low-level factory work. Migrant women, like women generally, were less likely to find employment in higher-paid occupations such as construction or heavy industry. Some have also found employment in prostitution.

20. For many migrant women, domestic service has been a particularly important means of entry into the labour market. Domestic work was viewed, for the most part, as secure employment, providing women with at least a minimum level of food and shelter and/or a regular source of income. Poor rural women often migrated to urban areas to take advantage of opportunities for domestic and other forms of employment that wealthier or more highly educated women workers did not want. When changes in the national labour force and wage structures

reduced the supply of national domestic workers, their place has often been taken by migrants.

21. The prevalence of migrant women in domestic service bears further elaboration. While traditional divisions of labour valued female work within the home as a substantial, if unpaid, contribution to the welfare of the family, industrialization allowed women to move out of the home while still maintaining primary or exclusive responsibility for domestic work. This role was devalued as a necessary but invisible and lower status function. Domestic work continues to be unrecognized as an essential activity with substantial economic importance. Instead, the role of household domestic worker was inherited by other, less economically privileged, women. Progressively, the domestic services sector became reserved almost entirely for immigrant women workers, regarded as low-skilled labour doing low-prestige work.

22. In a number of countries in western Asia, after 1975, due to an increasing demand for domestic servants coupled with religious and social restrictions that limit native women from participating actively in the labour force, the proportion of migrant workers had reached a high level. For example, among 1,316,014 migrant workers in one Gulf State, 517,436 were women. 14/ An estimated 230,000 Indonesian women between 1983 and 1990 migrated to countries of that region, mostly as domestic help. Sri Lankan women were found to predominate as domestic servants in those countries, amounting to 47 per cent in 1979, and 57 per cent in 1985. 15/

23. Similarly, foreign maids in Hong Kong, Taiwan, Malaysia and Singapore are common. In Hong Kong, for example, official employment contracts for foreign maids increased from 44 in 1975 to more than 100,000 by early 1993. About 90 per cent of these women were Filipino, with others from Thailand, Indonesia, India and Sri Lanka. 16/

24. The United Kingdom reported that in the period from January-August 1993, clearance was granted under immigration rules for 8,613 domestic workers, the majority of whom were female. 17/ It can be anticipated that similar patterns exist in other European countries.

25. Wages for foreign women domestic workers, legal or illegal, are lower in many countries on average than that of their national counterparts in the same job, than national legal minimums, and than in other employment sectors. 18/ The majority of migrant domestic women servants must accept live-in conditions as a prerequisite to employment. Room and board are usually counted as part of salary.

26. While live-in servants may live in nicer neighbourhoods than non-resident domestics, their working conditions may be worse and they have far less mobility and social life. In one study, 72 per cent of domestic servants were found to get no days off at all, and only 13 per cent received a regular day off each week. 19/ In many cases, employers restrict domestic servants from leaving the house, do not allow use of the telephone, or do not permit visitors. Personal documents, such as passports, are usually retained by the employer. Regulations often require permission from the authorities to change employers, and a change of employer would not necessarily improve working conditions.

27. Migrant women domestic workers accept low wages and poor work conditions because their salaries are nevertheless higher, in the case of Asian women from poor countries four or five times higher, than those earned by white-collar professionals in their home country and perhaps ten times what most women from their region would earn.

28. Some countries, in fact, explicitly exclude domestic work from their labour laws. 20/ Under those circumstances, foreign domestic workers will lack legal protection either as immigrants or domestic workers. In most countries, social welfare programmes are not open to illegal residents, and in many they are not open to legal foreigners on temporary work permits.

### C. Trafficking

29. Trafficking for the purpose of prostitution continues to be one type of migration. While it is condemned in international law, it continues to exist. In some regions this is related to what is termed sex tourism. Often this involves women recruited as entertainers or to work in restaurants and factories who are then diverted to prostitution either from the outset or when temporary visas expired.

30. One study estimated that 20,000 to 30,000 women and girls from one country who had expected to work in restaurants and factories were prisoners of debt bondage in brothels in a neighbouring country. Police complicity through the extortion of protection money, direct arrangements for border crossings and transportation, and patronage of the brothels was documented. Publicity forced Government attention to the problem. 21/

31. Press reports suggest that women from Eastern Europe are increasingly being trafficked and the phenomenon probably exists in most regions, usually unreported. 22/

## III. INTERNATIONAL NORMS GOVERNING MIGRANT WORKERS

32. The rights of migrant workers and other migrants have been a matter of international concern for many years. Starting with the various conventions dealing with slavery, through various International Labour Organization (ILO) conventions, to the omnibus International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the international community has set out norms for dealing with this population group.

### A. Early conventions related to trafficking

33. Among the first international norms related to women migrant workers were those intended to deal with international trafficking in women. Some of these antedated the League of Nations, others were a result of work by the League.

### 1. Agreement for the Suppression of the White Slave Traffic

34. The international agreement concluded on 18 May 1904 covers traffic in women for prostitution in another country. Under the terms of this agreement, the States Parties are required to carry out monitoring activities to detect traffickers in women at stations, ports of embarkation, and during journeys. The arrival of persons who are obviously perpetrators, co-perpetrators, or victims of trafficking in women must be reported to the authorities at their destination, to the appropriate diplomatic or consular officials, or to any other competent body.

35. The States Parties are also required, within the limits laid down by law, to take statements from foreigners coming into the country to establish their identity and civil status and to determine, and if necessary investigate, the person(s) responsible for their decision to leave their native country. In the case of trafficking victims, this information must be communicated to the authorities in the women's country of origin with a view to the possible return of the women to their own country.

36. The convention also requires States Parties to send women back to their country of origin if they or the persons who have authority over them request their return. Other provisions cover the cost of this return trip. There are also provisions for States Parties to monitor the activities of bureaux and agencies which arrange employment abroad for women or girls, where possible and within the limits laid down by law. Thus, the implementation of these provisions would allow the authorities to identify women migrant workers lured into forced prostitution and return them to their countries, in contrast to the many reported cases in which they are sent to jail as illegal immigrants and for other infractions of immigration laws.

### 2. International Convention for the Suppression of the White Slave Traffic

37. A second convention for the suppression of the white slave traffic took place on 4 May 1910. It contains provisions for the punishment of persons who traffic in women. The provisions of this convention oblige States Parties to take measures or put forward proposals to their legislatures to make it an offence for anyone to recruit, transport, or kidnap a woman below the age of majority, in order to satisfy the desires of any other person, or to commit an immoral act, even if the woman agrees and if the various actions which constitute the offence take place in different countries. The same provisions apply when women of full age are recruited by means of deception, as frequently happens to illegal women migrant workers. The convention also contains provisions governing extradition, and these could also be applicable to women migrant workers. Sufficient evidence exists to confirm that perpetrators are not punished accordingly and that what is missing is the will to implement these provisions.

### 3. Convention to Combat the Traffic in Women and Children

38. The international convention adopted on 30 September 1921 by the League of Nations adds to the two previous instruments provisions that the States Parties are required, among other things, to take legal and administrative measures for issuing permits and monitoring employment bureaux and placement agencies in order to protect women and children who are looking for work in another country. They are also required to take legal and administrative measures specifically to combat the traffic in women and children. The convention explicitly refers to the obligation to ensure that notices are posted at railway stations and ports, warning women and children of the dangers of the traffic in persons and indicating where they can obtain accommodation and assistance.

39. Again these provisions pertain directly to the current situation of women migrant workers, as the victims of unscrupulous agencies which continue trafficking regardless of prohibitions.

40. The Convention for the Suppression of the Traffic in Women of Full Age of 11 October 1933, was intended to supplement the three previous conventions.

### 4. The Slavery Convention

41. The Slavery Convention, adopted on 25 September 1926 by the League of Nations, could also be used to advocate the cause of women migrant workers. It defines slavery as "The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". The slave trade means and includes "all acts involved in the capture, acquisition, or disposal of a person with intent to reduce him to slavery".

42. The Convention also contains provisions requiring States to take measures to ensure that forced labour does not produce situations comparable to slavery and to reinforce national and international efforts to abolish slavery, the slave trade, and similar practices. States Parties further agree to adopt legal and other measures to bring about the complete elimination of certain practices, irrespective of whether they fall under the Convention's definition of slavery. This includes debt bondage, whereby a person pledges his own services or those of another person over whom he has authority as security for a debt.

## B. ILO Convention

43. Several ILO conventions have provisions designed to protect the rights of migrant workers, and therefore cover women migrant workers.

### 1. Migration for Employment Convention (Revised)

44. The Migration for Employment Convention (Revised) of 1949 defines a migrant worker as a person who migrates from one country to another with a view to working for an employer and not in a self-employed capacity. Among other things, the Convention requires the States Parties to maintain a reasonable and

free service or ensure that such a service is maintained in order to assist migrant workers and to supply them with correct information. The States Parties are also required, in so far as national legislation allows, to take all the appropriate steps against misleading propaganda concerning emigration and immigration. Each of the States Parties agrees that its employment services and other services which are concerned with migration will cooperate with the equivalent services of other States. The activities carried out by public employment services must be free for migrant workers.

45. These provisions are aimed at combating one of the problems which make women migrant workers vulnerable in gaining access to service concerned with migration.

46. A total of 40 countries are party to the Convention, of whom many are major receiving countries for migrant labour.

### 2. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

47. The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) requires States to respect the basic human rights of all migrant workers. Each of the States Parties must systematically establish whether migrant workers are working illegally in its territory, whether migration for employment is taking place from its territory as the starting-point, end-point, or as a country of transit, and whether migrating persons find themselves in circumstances which conflict with international, multilateral, bilateral or national regulations and agreements, either on arrival or during their stay and employment. Furthermore, the States Parties to the Convention are required to take necessary and appropriate measures within their jurisdictions or in cooperation with other States to combat the clandestine migration and illegal employment of migrants.

48. Each of the States Parties must also take appropriate measures against persons who organize illegal or clandestine migration for the purposes of employment and against persons who have employees who have entered the country illegally. At the national and international level the States Parties are required to take measures on this matter to create systematic contacts and exchanges of information with other States.

49. All of the measures must be designed to ensure that persons responsible for the illegal migration of workers can be prosecuted, irrespective of the country in which they undertake their activities. National regulations must be adopted for the effective detection of cases of illegal employment of migrant workers and for administrative, civil and criminal sanctions, including terms of imprisonment for illegally employing migrant workers, organizing migration with a view to abusive employment, or deliberately assisting such forms of migration for profit or otherwise.

50. Seventeen States have ratified the Convention.

## C. United Nations conventions

51. Several conventions prepared under the auspices of the United Nations set international norms relative to women migrant workers.

### 1. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

52. This Convention was adopted by the General Assembly on 2 December 1949 and takes precedence over the other conventions in relation to States which are parties to the 1949 convention and one or more of the other conventions. Each of the other conventions is deemed to have been terminated when all the States which are parties to the conventions become parties to the 1949 Convention.

53. In reference to emigration and immigration, the 1949 Convention requests that States Parties take measures to combat the traffic in persons for the purposes of prostitution and to monitor employment agencies. The Convention also specifically requires measures to protect immigrants and emigrants at places of arrival and departure and during journeys; other measures pertain to traffickers and victims.

54. A total of 67 States are party to this Convention, including many of those identified as sending or receiving countries of women migrant workers.

### 2. Convention on the Elimination of All Forms of Discrimination against Women

55. The Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979 requires the States Parties to take measures to eliminate all forms of discrimination against women. Article 6 deals with the traffic in women and requires States to take any appropriate measures, including legislation, to combat all forms of traffic in women and the exploitation of prostitution by women.

56. The Committee on the Elimination of Discrimination against Women, the monitoring body for the Convention, has indicated in its recommendation No. 19 on violence against women that the Convention, under its various articles, covers violence against women, including as workers.

### 3. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

57. On 18 December 1990, the General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This Convention stipulates among other things that migrant workers or the members of their families must not be held in slavery or servitude and that forced labour may not be demanded of them.

58. The Convention also makes provision for sanctions against persons or groups who use violence against migrant workers, employ them in irregular circumstances, or who threaten or intimidate them.

59. To date, only Egypt and Morocco have ratified or acceded to the Convention and Mexico, Chile and the Philippines have signed without ratifying. The Convention has not, accordingly, entered into force.

### 4. United Nations human rights conventions

60. Women migrant workers, like everyone else, are entitled to protections accorded by the various United Nations human rights conventions and other instruments.

## IV. REPORTED INCIDENCE OF VIOLENCE AGAINST WOMEN MIGRANT WORKERS

61. There are only limited indicators of violence against women migrant workers. Statistics on violence against women generally are collected infrequently and are not yet accurate. There is considerable evidence that violence against women in the family and in society is widespread, universal and possibly growing. It can be expected that women migrant workers are likely to be victims of violence, especially when, as in a number of circumstances, their employment situation, coupled with their status as foreigners, leaves them vulnerable. However, it should be noted that a number of the replies from Governments indicated that they had no record of any incidents of violence against women migrant workers, or that there had been very few reported.

62. For some types of violence reporting is unlikely, given the nature of the conditions under which violence would occur. It should be noted that under the terms of the Declaration on the Elimination of Violence against Women, as well as the Convention on the Elimination of All Forms of Discrimination against Women, trafficking for the purpose of prostitution is, by definition, violence. It is also illegal in almost all States. Still, some of the studies noted above, as well as others, suggest that the phenomenon exists. When the person who is a victim of trafficking is a migrant, the fact of illegality and the likelihood of repatriation can be disincentives to report incidences of violence.

63. Domestic service, by its nature, leaves women migrant workers vulnerable, since the place of work is usually the household and public regulation is not always effective there. There is considerable documentation about the incidence of physical violence and other forms of coercion against migrant women in domestic service in several countries. 23/ Some 80 per cent of all complaints reported by the Sri Lankan Bureau of Foreign Employment concerned female domestic workers in the Middle East. Sexual harassment by the male head of household was one of the three most common problems. 24/

## V. STEPS BEING TAKEN TO REDUCE VIOLENCE AGAINST WOMEN MIGRANT WORKERS

64. Migrant workers, because they cross national boundaries, are in some measure an international responsibility. Eliminating violence against women migrant workers can be seen as an essential part of implementing the Declaration on the Elimination of Violence against Women as well as other relevant norms.

65. In many countries, as indicated by replies to the Secretary-General's request for information, measures exist or are being taken to deal with the question. Some of these are general economic and social policies designed to reduce the need for migration, others are to provide adequate legal remedies for women migrant workers and still others are social measures designed to deal with the effects of violence.

### A. Measures being taken in sending countries

66. With regard to addressing the causes of migrations, the President of the Philippines announced, in an address on 1 May 1994, the adoption of a national jobs programme to create 1.1 million jobs annually and steps to increase the availability of housing and to encourage the development of cooperatives and other livelihood projects. 25/ Similarly, Thailand reports that a number of preventive measures are being administered by the Department of Labour Protection to discourage Thai women from working abroad by improving employment prospects in their own country. 26/

#### 1. Legal measures

67. The Philippines noted that it had enacted legislation to curb trafficking in women as mail-order brides or in other ways. Policy directives had been issued to suppress the trafficking in and prostitution of women, and a selective ban had been imposed on the employment of Filipino entertainers and domestic servants in receiving countries that did not provide legal protection for them, or where they were otherwise endangered. 27/

68. Regulation of recruiting firms is another measure that has been taken in some countries. 28/

#### 2. Social measures

69. Measures have been taken to reduce the vulnerability of women migrant workers by providing orientation prior to departure. The Philippines reports that rules of the Philippine Overseas Employment Administration require entertainers, nurses and domestics applying for overseas work to undergo pre-deployment orientation to increase their awareness and to prepare them for the social, cultural and job realities in their destinations.

70. Measures have also been taken to provide assistance to migrant workers in the receiving countries. This can include routine assistance by embassy and

consular officials, as well as the negotiation of bilateral agreements with receiving States. The Philippines reports that its Overseas Workers Welfare Administration is employing more women officers in its front-line units and its overseas operations, especially at job sites with predominately women workers. It also maintains several social centres to serve the social, cultural and recreational needs of Filipino workers abroad. 29/

71. For migrant workers who have encountered abuse, measures are being considered to provide support services upon return. A plan to provide a programme of intervention, containing support, rights and resources components has been reported. 30/

## B. Measures being taken in receiving countries

72. Most countries reporting indicate that women migrant workers have the same rights as nationals of their countries and that, therefore, there are no special measures necessary. In that sense, they would have similar difficulties or ease in exercising rights as women who were nationals of the country, compounded by the problems caused by language and different customs. A number of countries have taken steps to deal with the specific difficulties faced by women migrant workers. It should be noted that protection under the laws does not necessarily apply to migrants who have arrived illegally in the receiving country. These workers are, by reason of their illegality, particularly vulnerable to violence.

### 1. Legal measures

73. A number of countries have adopted measures to ensure that migrant workers receive equal treatment under the laws of the country. Mauritius reports that with a view to reinforce measures of control over companies employing foreign labour, the Ministry of Labour and Industrial Relations established on 21 February 1994 a Foreign Labour Inspection Squad, whose main objective is to ensure the full protection of the rights of migrant workers as provided by national labour legislation and their contracts of employment. 31/

### 2. Social measures

74. A number of countries have reported existing or proposed programmes to provide training and orientation to women migrant workers about their rights. This includes special vocational and language training. 32/ In the United Kingdom, the Employment Service applies the principle of equal opportunity in its programmes and services as relevant to women migrant workers, helping them to have the necessary access to employment facilities and to solve language difficulties. 33/

75. Non-governmental sources indicate that, in addition, there have been networks and organizations of and for migrant women workers in a number of places. Examples include Solidarity with Women in Distress (SOLWODI) in Germany, the Filipino Women's Council in Rome, the National Organization of

Immigrant and Visible Minority Women of Canada and BABAYLAN, a Philippine Women's Network in Europe. 34/

## VI. CONCLUSIONS

76. The information available suggests that migration of women workers is growing and likely to continue. They will be subject to many of the same situations of violence as women in the receiving countries, made more acute by the type of work undertaken by women migrant workers and the difficulties caused by their status as migrants.

77. An international framework of protection is found in a number of international conventions that are directly relevant to the issues of violence against women migrant workers, including the Convention on the Elimination of All Forms of Discrimination against Women.

78. It is worth recalling that the issues of migrant women has been a concern for some time: migrant women are found among the areas of special concern in the Nairobi Forward-looking Strategies for the Advancement of Women. The issue of migrant women was considered by the Commission on the Status of Women under the priority theme Equality in 1991. The report of the Secretary-General to that session of the Commission concluded that:

> "Governments of receiving countries should ensure that all migrants, especially women, are given information, in a language that they know, on their legal rights and obligations. Such information should include legal advice to female migrants, especially on how to acquire and maintain legal status, on marriage and divorce, domestic violence, labour laws, legislation on sex discrimination, and welfare and other social entitlements, including family planning. Counselling services should also be provided. Associations of and for migrant women should be used to disseminate information among migrants, provide counselling and other social and legal services, identify problems and communicate with decision-makers. Migrant women should be entitled to the same rights as migrant men. Governments should periodically review and, where necessary, revise migration policies and legislation, as well as their implementation, to prevent discriminatory practices against women."

79. Partly on the basis of that report the Commission on the Status of Women adopted resolution 35/6 on women migrant workers which, inter alia, calls upon States to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, encourages the establishment of services to assist migrant workers and requests organizations of the United Nations system to assist in disseminating information among migrant workers.

80. On the basis of oral reports to the Commission on the Status of Women, as well as material on migrant women contained in the report of the Secretary-General on urban women, the Commission adopted resolution 38/7 on violence against women migrant workers. In this resolution, the Commission called upon Member States to adopt measures to implement the Declaration on the Elimination

of Violence against Women, including applying it to women migrant workers, called for consultations between the sending and receiving States for women migrant workers to identify problem areas and measures to address them; and called upon these States to ensure the protections foreseen under the relevant international conventions.

81. From these measures already proposed, as well as those being enacted, a number of conclusions should be drawn.

- It is important to address the causes of migration in the sending countries and, for those who wish to migrate and return, to provide protection against unscrupulous recruiters and orientation to migrants about their rights and responsibilities and the likely conditions in the receiving countries.

- The desirability of negotiations between sending and receiving countries about the conditions of migrants is clear.

- Receiving countries should accord legal migrants equal treatment before their laws and provide the necessary information about these rights, accessible institutions and appropriate support programmes.

- An effort should be made to study the situation of undocumented migrant workers with a view to determining measures that can help resolve their status and thereby reduce their vulnerability to violence.

- Networks of women migrant workers should be encouraged and supported.

82. The size of the phenomenon of violence against women migrant workers is not known. To properly monitor the issue, statistics and indicators should be collected. As a first step, statistics that are disaggregated by sex, should be maintained by both sending and receiving countries on migrants. This will permit determination of the growth of international migration and its flow. The statistics should indicate the occupations to which the migrants are going. Periodic studies should be undertaken to indicate changes in the conditions of work.

83. In order to monitor violence against women migrant workers it is necessary, first, to monitor violence against women generally as called for in the Declaration on the Elimination of Violence against Women. The adoption of the Declaration provides categories of acts that should be counted. In view of their special vulnerability, the incidence of violence against women migrant workers should be counted as a category within national indicators.

## Notes

1/ Austria, Belarus, Burkina Faso, Czech Republic, Liechtenstein, Mauritius, Morocco, Philippines (initial reply and update), Portugal, Russia, Syrian Arab Republic, Thailand, Turkey and the United Kingdom; UNOG, ECA, ECLAC, INSTRAW, FAO, IFAD and UNIDO.

2/ Persons identified as migrants because they lived outside their countries of birth. United Nations, Population Division of the Department for Economic and Social Information and Policy Analysis, "Population Distribution and Migration: the emerging issues" in Population Distribution and Migration (ST/ESA/SER.R/133). The data are from Christian Skoog, "The quality and use of census data on international migration", paper presented to the XIII World Congress of Sociology, Bielefeld, Germany, 18-23 July 1994.

3/ The figure refers to the foreign-born population in those countries. United Nations, Department for Economic and Social Information and Policy Analysis, International Migration Policies and the Status of Female Migrants: Proceedings of the United Nations Expert Group Meeting on International Migration Policies and the Status of Female Migration (ST/ESA/SER.R/ ), New York 1994, table IV.1.

4/ Ibid., pp. 5-6.

5/ Ibid., pp. 5-11.

6/ Nasra M. Shah, "Migration between Asian countries", chap. XII of Population Distribution and Migration, citing Kuwait, Directory of Civil Information: Population and Labor Force. Kuwait, Public Authority for Civil Information, July 1989.

7/ Ibid., citing Manolo Abella, "International migration in the Middle East: patterns and implications for sending countries". Paper presented at the Informal Expert Group Meeting on International Migration, Geneva, Switzerland, 16-19 July 1991.

8/ Second reply of the Government of the Philippines to the Secretary-General, July 1994.

9/ United Nations, Department for Economic and Social Information and Policy Analysis, op. cit., pp. 5-12.

10/ Second reply of the Government of the Philippines.

11/ International Organization for Migration, "Migration and Development", chap. XXVI in United Nations, Population Distribution and Migration, 1994.

12/ Frank Eelens and J. D. Speckman, "Recruitment of Labor Migrants for the Middle East: the Sri Lankan Case", International Migration Review, XXIV, No. 2 (Summer 1990), p. 299.

13/ Eelens and Speckman, loc. cit., p. 318.

14/ Middle East Watch: Women's Rights Project, Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait, vol. 4, issue 8, p. 4. Estimates from the Ministry of Planning.

15/ Eelens and Speckman, loc. cit.

16/ Immigration Department Statistics cited by May-an Villalba, "Understanding Asian Women in Migration: Towards a theoretical framework", in Isis International, Women in Action, 2 and 3/1993, Quezon City, Philippines, Isis International, 1993.

17/ Reply of the United Kingdom.

18/ Gabriella Arena, "Lavoro femminile ed immigraziones: dai Paesi Afro-Asiatici a Roma", Studi Emigrazione, No. 70, Anno XX, June 1983; Colectivo Ioé, "El servicio doméstico en España entre el trabajo invisible y la economía sumergida, Informe de Investigación, Madrid, 1990; Nony Ardill and Nigel Cross, Undocumented Lives: Britain's Unauthorised Migrant Workers, London, Runnymede Trust, 1988, all cited in Patricia Weinert, Foreign Female Domestic Workers: Help Wanted, World Employment Programme Research, International Migration for Employment Working Paper (MIG WP.50), Geneva, ILO, 1991.

19/ Grete Brochman, The Middle East Avenue. Female Migration from Sri Lanka. Causes and Consequences, Oslo, Institute for Social Research, 1990, cited in Weinert, op. cit., p. 24.

20/ See Middle East Watch, op. cit.

21/ Asia Watch and the Women's Rights Project, A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand, New York, Human Rights Watch, 1991.

22/ Periodic reports to the Economic and Social Council on suppression of the traffic in persons and of the exploitation of the prostitution of others have been prepared by the Secretary-General at different points. See, for example, E/1994/76 and addenda.

23/ See, for example, Middle East Watch, op. cit.

24/ Malsiri Dias, "Female Overseas Contract Workers: Sri Lanka", in Asian and Pacific Development Centre (eds.), Trade in Domestic Helpers, Causes, Mechanisms and Consequences, Kuala Lumpur, APDAC, 1989, p. 212, cited in Weinert, op. cit.

25/ Second reply of the Government of the Philippines.

26/ Reply of the Government of Thailand.

27/ First reply of the Government of the Philippines.

28/ See Eelans and Speckman, loc. cit.

29/ First reply of the Government of the Philippines.

30/ Second reply of the Government of the Philippines.

31/ Reply of the Government of Mauritius.

32/ Replies of the Governments of Burkina Faso and the Russian Federation.

33/ Reply of the Government of the United Kingdom.

34/ Reported in Isis International, op. cit., pp. 71-77.

---